

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN LOSCOMBE,

Plaintiffs,

v.

CITY OF SCRANTON, et al.

Defendants.

CIVIL ACTION NO. 3:10-CV-1182

(JUDGE CAPUTO)

ORDER

NOW, this 20th day of May, 2013, **IT IS HEREBY ORDERED** that Defendants City of Scranton and Mayor Chris Doherty's Motion to Dismiss (Doc. 99) and Defendants Firemen's Pension Commission, Firemen's Relief and Pension Fund Commission, and Composite Pension Board's Motion to Dismiss (Doc. 102) are **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**:

1. Defendant Mayor Doherty is **DISMISSED** from this action in both his individual and official capacities.
2. Count I (First Amendment Retaliation) and Count IV (Unlawful Seizure and Taking) of Plaintiff John Loscombe's Third Amended Complaint (Doc. 97) are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff John Loscombe's Motion for Partial Summary Judgment (Doc. 105) is **DENIED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge